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Dirk Trossen

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EXAMINER

PATEL, NIRAV B

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/602,078	<b>Applicant(s)</b> TROSSEN, DIRK	
	<b>Examiner</b> NIRAV PATEL	<b>Art Unit</b> 2435	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12-28 and 30-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12-28 and 30-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Applicant's amendment filed on May 7, 2009 has been entered. Claims 1, 3-10, 12-28, 30-36 are pending. Claims 19-21, 24, 27, 35 are amended by the applicant.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-6, 8, 9, 10, 13-15, 17-19 and 22-28, 32, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geiger et al (US Patent No. 6,377,810) and in view of Shurygailo et al. (US Pub. No. 2004/0093502).

As per claim 1, Geiger teaches:

receiving, at a first network entity from a second network entity, a request to access event-based information available within a network and associated with an event [Fig. 1, col. 3 lines 51-53, col. 4 lines 4-9]; receiving, at the first network entity, consent to access the event-based information, and automatically creating an authorization in response to receiving the consent, wherein the first network entity is configured to control access to the event-based information [Fig. 1, col. 4 lines 14-21]; transmitting the authorization from the first network entity to the second network entity [Fig. 1, col. 4

Art Unit: 2435

lines 22-25]; transmitting a subscription message from the second network entity to an event server configured to maintain the event, wherein the subscription message includes the authorization and an event package describing the event-based information [Fig. 1, col. 4 lines 26-33]; and determining at the event server whether to accept the subscription message based upon the authorization [col. 4 lines 46-65].

Geiger teaches creating the authorization as above. Geiger doesn't expressively mention the second network entity being unknown to the first network entity.

Shurygailo teaches: the second network entity being unknown to the first network entity prior to the first network entity receiving the request, the consent being receivable and the authorization being creatable without use of a certificate from the second network entity and without verifying an identity of the second network entity [Fig. 2, paragraph 0027].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Shurygailo with Geiger, since one would have been motivated to provide efficient, effective and/or flexible authorization in the network environment [Shurygailo, paragraph 0007].

As per claim 5, the rejection of claim 1 is incorporated and Geiger teaches:

determining whether to accept the subscription message comprises: verifying the authorization; and accepting the subscription message if the authorization is verified to thereby provide the second network entity with access to the event [Fig. 1, col. 4 lines 41-65, Fig. 2].

As per claim 10, it encompasses limitations that are similar to limitations of claim 1. Thus, it is rejected with the same rationale applied against claim 1 above.

As per claim 14, the rejection of claim 10 is incorporated and it encompasses limitations that are similar to limitations of claim 5. Thus, it is rejected with the same rationale applied against claim 5 above.

As per claim 19, it encompasses limitations that are similar to limitations of claim 1. Thus, it is rejected with the same rationale applied against claim 1 above.

As per claim 22, the rejection of claim 1 is incorporated and Geiger teaches: receiving consent to access event-based information related to the first network entity [col. 4 lines 8-33].

As per claim 23, the rejection of claim 10 is incorporated and Geiger teaches: the first network entity is configured to control access to event-based information related to the first network entity [col. 4 lines 8-33].

As per claim 24, the rejection of claim 19 is incorporated and Geiger teaches:

Art Unit: 2435

automatically creating an authorization comprises creating an authorization in response to the user interface receiving consent to access event-based information related to the apparatus [col. 4 lines 8-33].

As per claim 25, the rejection of claim 1 is incorporated and Geiger teaches:

receiving consent from a user of the first network entity via a user interface thereof [Fig. 1, 4, col. 4 lines 12-17].

As per claim 26, the rejection of claim 10 is incorporated and it encompasses limitations that are similar to limitations of claim 25. Thus, it is rejected with the same rationale applied against claim 25 above.

As per claim 27, the rejection of claim 19 is incorporated and it encompasses limitations that are similar to limitations of claim 24. Thus, it is rejected with the same rationale applied against claim 24 above.

As per claim 28, it encompasses limitations that are similar to limitations of claim 19. Thus, it is rejected with the same rationale applied against claim 19 above.

As per claim 32, the rejection of claim 28 is incorporated and it encompasses limitations that are similar to limitations of claim 24. Thus, it is rejected with the same rationale applied against claim 24 above.

As per claim 33, the rejection of claim 28 is incorporated and it encompasses limitations that are similar to limitations of claim 25. Thus, it is rejected with the same rationale applied against claim 25 above.

3. Claims 3, 12, 20 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geiger et al (US Patent No. 6,377,810) in view of Shurygailo et al. (US Pub. No. 2004/0093502) and in view of Ganesh (US Patent No. 6,999,777).

As per claim 3, the rejection of claim 1 is incorporated and Geiger teaches transmitting the request to access the event-based information [col. 4 lines 7-15]. Geiger and Shurygailo don't expressively mention transmitting a trigger from the second network entity to the first network entity.

Ganesh teaches:

receiving a trigger at the first network entity from the second network entity; and executing the trigger to thereby activate the request to access the event-based information [Fig. 2, 3, col. 4 lines 49-59, col. 5 lines 46-54].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Ganesh with Geiger and Shurygailo, since one would have been motivated to prevent unauthorized individual from receiving the location information of wireless communication devices [Ganesh, col. 2 lines 32-34].

Art Unit: 2435

As per claim 12, the rejection of claim 10 is incorporated and it encompasses limitations that are similar to limitations of claim 3. Thus, it is rejected with the same rationale applied against claim 3 above.

As per claim 20, the rejection of claim 19 is incorporated and Geiger teaches:

the processor is triggerable based upon receipt of the request to access the processor being triggerable to execute the software application and receive the consent to access the event-based information [col. 4 lines 8-15].

Ganesh teaches: the processor being triggerable to execute the software application to present a prompt to receive consent to access the event-based information before the user interface receives the consent [Fig. 2, 5].

As per claim 30, the rejection of claim 28 is incorporated and it encompasses limitations that are similar to limitations of claim 3. Thus, it is rejected with the same rationale applied against claim 3 above.

4. Claims 4, 6, 8, 9, 13, 15, 17, 18, 21 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geiger et al (US Patent No. 6,377,810) in view of Shurygailo et al. (US Pub. No. 2004/0093502) and in view of McCann et al (US Pub. No, 2004/0064707).



Art Unit: 2435

As per claim 4, the rejection of claim 1 is incorporated and Geiger teaches receiving a consent to access the event-based information associated with the event [col. 4 lines 14-18]. Geiger, Shurygailo do not expressively mention a predefined granularity, frequency or time period.

McCann teaches receiving a consent to access the event-based information associated with the event with at least one parameter including at least one of a predefined granularity, frequency or time period, and wherein creating an authorization comprises creating an authorization including the at least one parameter [paragraph 0037, 0038, 0021 lines 8-16].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine McCann with Geiger and Shurygailo, since one would have been motivated to provide location-based service, where users can subscribe to a service to receive location-sensitive content [McCann, paragraph 0001 lines 7-9].

As per claim 6, the rejection of claim 5 is incorporated and McCann teaches:

verifying the authorization includes verifying that at least one of a predefined frequency and-or time period has not been exceeded [paragraph 0021 lines 8-16, paragraph 0037, 0038].

As per claim 8, the rejection of claim 5 is incorporated and McCann teaches:

Art Unit: 2435

accepting the subscription message comprises accepting the subscription message to thereby provide the second network entity with access to the event-based information with a predefined granularity [paragraph 0021, 0037].

As per claim 9, the rejection of claim 1 is incorporated and McCann teaches:

storing the authorization in a cache such that the event server can retrieve the authorization in response to receiving at least one subsequent subscription message, wherein at least one subsequent subscription message includes an event package describing the event-based information (i.e. without the authorization) [paragraph 0031].

As per claim 13, the rejection of claim 10 is incorporated and it encompasses limitations that are similar to limitations of claim 4. Thus, it is rejected with the same rationale applied against claim 4 above.

As per claim 15, the rejection of claim 14 is incorporated and it encompasses limitations that are similar to limitations of claim 6. Thus, it is rejected with the same rationale applied against claim 6 above.

As per claim 17, the rejection of claim 14 is incorporated and it encompasses limitations that are similar to limitations of claim 8. Thus, it is rejected with the same rationale applied against claim 8 above.

Art Unit: 2435

As per claim 18, the rejection of claim 10 is incorporated and it encompasses limitations that are similar to limitations of claim 9. Thus, it is rejected with the same rationale applied against claim 9 above.

As per claim 21, the rejection of claim 19 is incorporated and it encompasses limitations that are similar to limitations of claim 4. Thus, it is rejected with the same rationale applied against claim 4 above.

As per claim 31, the rejection of claim 28 is incorporated and it encompasses limitations that are similar to limitations of claim 4. Thus, it is rejected with the same rationale applied against claim 4 above.

5. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geiger et al (US Patent No. 6,377,810) in view of Shurygailo et al. (US Pub. No. 2004/0093502) and in view of Pujare et al (US Pub. No. 2002/0083183).

As per claim 7, the rejection of claim 5 is incorporated and Geiger teaches verifying the authorization as shown in Fig. 2. Geiger and Shurygailo do not expressively mention verifying a shared secret.

Pujare teaches verifying the authorization includes verifying a shared secret [paragraph 0272, lines 16-18].

Art Unit: 2435

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Pujare with Geiger and Shurygailo, since one would have been motivated to provide location-based service, where users can subscribe to a service to receive location-sensitive content [McCann, paragraph 0001 lines 7-9].

As per claim 16, the rejection of claim 14 is incorporated and it encompasses limitations that are similar to limitations of claim 7. Thus, it is rejected with the same rationale applied against claim 7 above.

6. Claims 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geiger et al (US Patent No. 6,377,810) in view of Shurygailo et al. (US Pub. No. 2004/0093502) and in view of Karmouch et al (US Patent No. 7,240,015).

As per claim 34, the rejection of claim 10 is incorporated and Geiger and Shurygailo do not expressly mention message has a positive, non-zero expiration time.

Karmouch teaches:

the subscription message transmitted by the second network entity has a positive, non-zero expiration time [col. 8 lines 6-8].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Karmouch with Geiger and Shurygailo, since one would have been motivated to provide authorization-based mechanism for accountability and security reasons [Karmouch, col. 3 lines 25-36].

As per claim 35, the rejection of claim 19 is incorporated and it encompasses limitations that are similar to limitations of claim 34. Thus, it is rejected with the same rationale applied against claim 34 above.

As per claim 36, the rejection of claim 28 is incorporated and it encompasses limitations that are similar to limitations of claim 34. Thus, it is rejected with the same rationale applied against claim 34 above.

### **Response to Argument**

7. Applicant's arguments filed May 7, 2009 have been fully considered but they are not persuasive.

Regarding to the applicant's arguments to claim 10 that Shurygailo, like Geiger, fails to disclose consent and automatic authorization-creation, Examiner maintains since Geiger teaches a requesting entity (25) (second network entity) that establishes communication with a mobile device (15) (first network entity) as shown in Fig. 1. The requesting entity sends a location permission request to the mobile device. The requesting entity also sends a certificate to the mobile device. The mobile device receives generates a location access permission attribute certificate and sends this location access permission attribute certificate to the requesting entity. The requesting

Art Unit: 2435

entity establishes communication with the location server and sends the location access permission attributes certificate to the location server with the request for the location of the mobile device. The location server verifies the location access permission attribute certificate. If verification is successful, the location server sends the location information to the requesting entity. Therefore, Geiger teaches the claim limitation, “receiving, at a first network entity from a second network entity, a request to access ...; receiving, at the first network entity, consent to access the event-based information, and automatically creating an authorization in response to receiving the consent....; transmitting the authorization from the first network entity to the second network entity....”. Further, Shurygailo teaches a method and system for creating a token and passing the token to a user (second network entity) without having to first establish that the user is registered user. As shown in Fig. 2, the system includes: a user environment (second network entity) to request an entitlement and a system environment (first network entity). The system environment receives the request and consent as shown in Fig. 2 and creates a token using the token management service. Therefore, Shurygailo teaches the claim limitation “the second network entity being unknown to the first network entity prior to the first network entity receiving the request, the consent being receivable and the authorization being creatable without user of a certificate from the second network entity and without verifying an identity of the second network entity”. In this case the combination of Geiger and Shurygailo teaches the claim subject matter and the combination is sufficient as one of ordinary skill in the art at the time the

Art Unit: 2435

invention was made, since one would have been motivated to provide efficient, effective and/or flexible authorization in the network environment.

For the above reasons, it is believed that the rejections should be sustained.

### **Conclusion**

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav Patel whose telephone number is 571-272-5936. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax and phone

Art Unit: 2435

numbers for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

*NBP*

*8/13/09*

/Kimyen Vu/

Supervisory Patent Examiner, Art Unit 2435